

SUPREME COURT DECISIONS.

An Unusually Large Batch of Legal Precedents Filed Yesterday.

DISPUTING OVER A CHILD.

Habeas Corpus Proceedings By a Father to Get His Eleven-Year-Old Daughter—Other Court Notes—Brevities.

[FROM THE BEE'S LINCOLN BUREAU.]

At the session of the supreme court, yesterday, the following causes were dismissed: Omaha Horse Railway company vs Patrick in re board of education of Omaha. The following causes were argued and submitted: Harrington vs Latta, Hongland vs VanEtten, Schaller vs Omaha.

The following decisions were filed: Worthington vs Woods. Error from Lancaster county. Reversed and action dismissed. Opinion by Maxwell, Ch. J.

Where the testimony shows that a party is in possession of real estate under a contract of purchase, an action of ejectment and detainer will not lie to oust him from such possession. Dawson vs Dawson, 17 Neb. 61; C. B. & Q. R. vs Skupa, 16 Id., 84; Stuber vs Kolp, 15 Id., 59; Pettit vs Black, 13 Id., 154.

Flanagan vs Continental Insurance company. Error from Douglas county. Judgment of district court reversed and judgment of justice reinstated. Opinion by Maxwell, Ch. J.

Where a defendant appears without process before a justice of the peace and confesses judgment in favor of a creditor, the assent of such creditor is necessary to give justice jurisdiction, but where a creditor has brought an action against a debtor to recover a specified sum of money upon a certain claim, and the debtor appears before the justice and confesses judgment for the amount claimed and costs, the assent of the plaintiff will be presumed, and to entitle him to have the judgment set aside he must make it appear to the justice that he has been prejudiced by such confession.

Holmes vs Shimer. Appeal from Lancaster county. Affirmed. Opinion by Reese, J. Plaintiff alleged in his petition that he had employed defendant S. as agent to purchase certain real estate for a given price; that upon such employment S. purchased the property for a less price than he was directed to give and caused the title to be conveyed to a third party who was an intimate friend; that soon thereafter the holder of the legal title conveyed it to S. who for the purpose of deceiving plaintiff withheld his deed from record and suppressed the fact of the purchase from plaintiff. The allegations of agency and fraudulent intent and action were denied. In an action against S. for a conveyance of title to plaintiff, it was held that the controlling question in the case was one of fact. Was S. employed by H. as his agent for the purchase of the property? The finding of the trial court upon this question upon a sharp conflict of testimony, being in favor of the defendants, is decisive of the case. May vs School District 22, Cass county. Error from Cass county. Affirmed. Opinion by Reese, J.

The legal maxim "Lapses of time does not bar the right of the state" can only apply in favor of the sovereign power, and has no application to school districts or other municipal corporations deriving their power from the sovereign. The statute of limitation runs for or against school districts in the same manner as it does for or against individuals.

The case of Brown (Globe) was argued, Neb. 373, commented upon and distinguished. Atwood vs Perezoy & Moore. Error from Lancaster county. Affirmed. Opinion by Maxwell, Ch. J.

Where an action was brought against certain persons as partners for goods alleged to have been sold and delivered to the firm and the non-appearance of the testimony tends to show the existence of such partnership and the liability of the firm for the goods so purchased, a judgment of judgment against the partners will not be set aside as being against the weight of evidence.

Nyman vs Edwards. Appeal from Douglas county. Reversed and referee appointed. Opinion by Maxwell, Ch. J.

There is an opinion by Maxwell, Ch. J. in a certain case, decided a month ago to secure the sum of \$500 and \$400 to be thereafter advanced, the defendant answered, admitting the debt, but denying the right to the future advances, and alleging that the debt was intended as a conveyance upon an adequate consideration, consisting of board, lodging and expenses rendered by the defendant to the plaintiff, in all of the value of \$700. Hold. That the proof failed to establish such consideration and the plaintiff was entitled to recover.

Williams v. Eikenberry. Error from Cass county. Reversed. Opinion by Reese, J.

Where an officer attaches property which is subsequently replevied from him by a stranger who claims title and the right to its possession, and such officer seeks to justify his possession by attachment process, it is incumbent upon him to prove his authority by the order of attachment, in order to show his right to possession and the measure of his damages. Opinion by Maxwell, Ch. J.

In an action of replevin against a sheriff who had levied upon the property in controversy, the sheriff by his answer to the petition denied the allegations of the petition, and also pleaded affirmatively his official character and justified the seizure under an order of attachment, and the ownership of the property to be the attachment defendant. It was held that the defenses were not inconsistent, and that the decision of the trial court overruling a motion to require defendant to elect upon which of the defenses set in his answer he would proceed to trial, was correct.

Special findings of a jury must be consistent with each other upon material questions and inconsistent with the general verdict before a trial court will be justified in rendering judgment upon them, rather than upon the general verdict.

Alexander vs Overton. Error from Otoe county. Reversed. Opinion by Cobb, J.

An action on the official bond of a county treasurer, against such county treasurer and his securities, for selling to the plaintiff certain lands for delinquent taxes, which sale is alleged to be void for want of legal proceedings by the said county treasurer and other taxing officers, as to the time within the same may be commenced within the provisions of section 14 of the code of civil procedure, and may be commenced at any time within ten years from the time the cause of action accrued.

Atwood vs Kennard. Error from Lancaster county. Affirmed. Opinion by Maxwell, Ch. J.

A HABEAS CORPUS CASE.

Yesterday was the time set for hearing a habeas corpus case in the county court in which Clarence M. Ellsworth seeks to recover the custody of his child, Mary Ellsworth, a miss of some twelve summers. Some three years ago the mother of the little girl died and Elder Howe, the city missionary, took the child in charge and procured it a home in the family of Mr. Davis. These foster parents have become much attached to the child, and are loth to give her up to her father, who lately married again and seeks to get the child into his own custody.

BRUEF ITEMS.

Otto L. Rice, of Grand Island, George Henstedt of Peralta, Sarpay county, Wil-

liam P. Saunders of Beatrice and W. E. Vansoye of Broken Bow, Custer county, were yesterday commissioned notaries public by Governor Thayer.

Among the recent divorce cases filed in the district court is that of James D. Jones, who seeks legal separation from his wife, Lizzie J. Jones, who, it is claimed in the petition, has deserted him and made life a burden.

State Veterinarian Gerth, accompanied by Commissioner Barnhart, departed for the western part of the state yesterday in answer to numerous calls for them.

Captain Humphrey, the cheap candidate for judge in the First district, was in Lincoln yesterday, looking as though he expected an elephant to cross his path on the way.

George B. Wright, a former president of the I. B. & W. railroad, arrived from the east yesterday on a business visit to the capital city.

There is an excellent prospect that the Missouri will build a new passenger depot in Lincoln the coming year. A structure of this kind is badly needed.

The grand jury was busily at work yesterday on a forgery case, the first case taken up by the grand jury of a dozen or more to come before them.

To-night the meeting to arrange for the coming season in base ball work will be held at the Windsor hotel. It is expected that Lincoln will come to the front with ample support for the club.

The Modjeska engagement at the Funke opera house was an entire success, the audience being one of the largest ever gathered in Lincoln. Sol Smith Russell was the attraction last night.

Paving, which is progressing rapidly in the first paving district, has been ordered laid from Ninth to Eleventh on P street, the first order made for work in the second paving district.

The police searched the city and secured four parties that were wanted for robbing a B. & M. car at Greenwood. The constable of that place has taken the parties there for trial.

In district court the first jury case was tried yesterday afternoon the time previous to that being occupied with motions, demurrers and the taking of defaults in uncontested cases.

Two runaways added to the excitement in the business streets yesterday that made kindling wood of the vehicles.

A LIBEL SUIT FOR TRIAL.

One of the cases for trial at the present term of the district court is the libel suit brought by Leonard King against the State Journal company.

This is a suit for \$5,000 damages brought by King a year ago. It is set for hearing on the 19th and subpoena in the case were issued yesterday. The facts leading to the case are that at the Bennett camp meeting a year ago King had some trouble with the authorities at the grounds and the matter was written up for the Journal in a sensational manner and derogatory to Mr. King. For the strictures on Mr. King in the paper he asks damages in the above amount.

Terrible are the Revenues Upon the system inflicted by diseases of the kidneys and bladder. They wreck the constitution more speedily in some cases than consumption and other maladies of a fatal pulmonary type. As you value your life, arrest a tendency to debility, and consequent inactivity of the renal organs should you experience any such. Infuse the potent virtues of Hostetter's Stomach Bitters. The proper degree of stimulation is imparted by it to the bladder also, when the organ is atrophied in infancy, or by Bright's disease, diabetes, catarrh of the bladder, and other kindred disorders, may be prevented. Liver complaint, constipation, nervous ailments and rheumatism are likewise curable with this powerful medicine.

Against the effects of exposure in damp or otherwise inclement weather, it is a benign safeguard, and revives strength after undue fatigue.

Edison's New Laboratory.

Boston Globe: The daily life of a man like Thomas A. Edison is always of interest. Each week day the youthful-looking inventor is driven to the Orange station on the New York, Lackawanna & Western railroad.

He takes a train for East Newark, where his laboratory now is. He works unremittingly among his chemicals and machinery until 5:30 in the afternoon. Then he returns to his home in Orange. Mrs. Edison invariably meets him in the carriage, and, if the afternoon is pleasant, they drive to the immense laboratory that Edison is building on the range Valley road and spend nearly half the night there.

At night Edison does his studying. He has a pretty and unique library, in which he ponders the problems that are ever presenting themselves to his inventive mind. It is rare that Edison rests until after midnight. He says he studies best and accomplishes most in those quiet hours in his laboratory.

The new laboratory that Edison is erecting is unquestionably the finest in the world. It consists of one large building and four smaller ones, all brick. The entire laboratory will be used solely for experimental purposes by Mr. Edison. The large building will be the main workshop, and will be filled with the most powerful engines. While he will not keep himself as secret as Keely, the motor man, does in Philadelphia, it will be hard to obtain admittance to the private laboratory. A great number of the most important laboratory will be a table built upon a foundation running down deep in the ground, and in no way connected with the building. The idea is to render the table proof against any jar or motion from the machinery or any other cause. One of the other small buildings will be used for metallurgical purposes, and another will be a magnificently equipped carpenter shop. The buildings will cost about \$75,000 and will be ready for occupancy inside of a week.

Mr. Edison is most interested at present in his latest and what he considers one of the greatest of his discoveries. Reference is had to the process by which the inventor claims he can produce electricity directly from heat, without the aid of a dynamo or battery.

"Men must work and women weep, So runs the world away!" But they need not weep so much if they use Dr. Pierce's "Favorite Prescription," which cures all the painful maladies peculiar to women. Sold by druggists.

Sanctity of a Sealed Letter.

Washington Post: "The sanctity of a sealed letter is as well secured in this country," said Mr. Nash, the superintendent of the railroad mail service, "that if a letter were received at the city postoffice in Washington, or at any other postoffice in the country that was sealed in the country, the sanctity of it would be guaranteed by the presence of the mails, the postmaster general himself would not dare to break the seal. A letter passing through the mails cannot be opened by anybody until it reaches the destination, and after every effort has been made to deliver it in vain.

Latest Quotations from the Misfit stock Market

1119 Farnam street. The longs badly squeezed. The shorts have everything their way. Outside buyers through the Misfit Parlors, whilst city consumers buy more than average amounts, Misfit suits find ready buyers at short prices. Original tailor prices being cut in half. Misfit overcoats, medium to extra fine, are fast sellers. Astrachan and for being favorites. Pants are steady, with increased demand for New York styles. Full quotations below, with extra announcements for the week.

MISFIT SUITS.

Table with 2 columns: Made to Order for \$20.00; Will be Sold for \$10.00. Lists various suit styles and prices.

MISFIT PANTS.

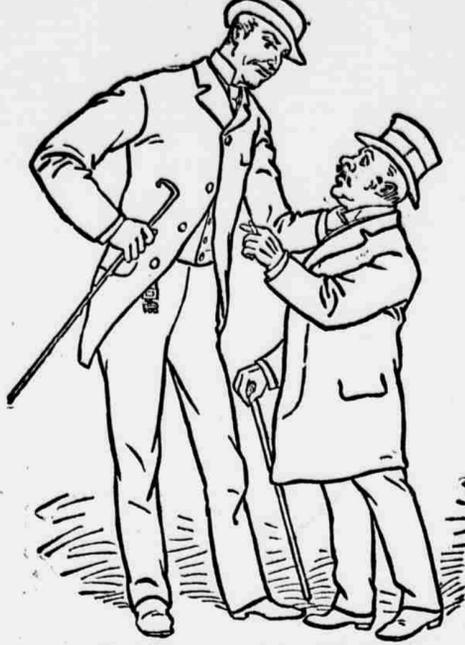
Table with 2 columns: For \$2.50 That were Made for; \$1.00. Lists various pant styles and prices.

MISFIT Prince Albert Suits.

Table with 2 columns: For \$20.00 That were Made to Order for; \$10.00. Lists various Prince Albert suit styles and prices.

SEALSKIN OVERCOATS.

Table with 2 columns: Made to Order for \$300.00; Will be Sold for \$165.00. Lists various sealskin overcoat styles and prices.



THE LONG AND SHORT OF IT.

Original and Only MISFIT Clothing Parlors

1119 Farnam, Between 11th and 12th Streets. EVERY GARMENT IS MADE TO FIT THE PURCHASER FREE OF CHARGE.

MISFIT OVERCOATS

Table with 2 columns: Made to Order for \$18.00; Will be Sold for \$8.25. Lists various overcoat styles and prices.

MISFIT COATS AND VESTS.

Table with 2 columns: For \$12.50 That were Made for; \$5.00. Lists various coat and vest styles and prices.

Our Own Make in Fine Chinchilla, Astrachan, Canadian Cloth, Plush or Imported Curlaine, from \$6.50 upwards. Perfect Fitting.

MISFIT Prince Arthur Coats and Vests.

Table with 2 columns: For \$15.00 That were Made to Order for; \$8.00. Lists various Prince Arthur coat and vest styles and prices.

FUR-TRIMMED OVERCOATS.

Table with 2 columns: Made to Order for \$25.00; Will be Sold for \$12.50. Lists various fur-trimmed overcoat styles and prices.

How the Sultan Lives.

The Sultan makes his rigid fast of forty days at Ramazar, like any other good Turk, and at the end of the fast he recovers every year a new young wife from his mother, according to the say of the prophet, or if his mother be not alive, the oldest woman in the harem presents the wife. This young girl is chosen six months before from among hundreds of candidates, who are chosen in infancy and educated expressly for that purpose, and then some ten or fifteen are chosen and put under a course of purification, with baths of balm of Gilead, and Sukys tea with milk and rice for the principal diet. The Sultan never sees her again, and sometime the new bride becomes prime favorite. It is not always the most perfect beauty which renders the wife a favorite, but generally the most intelligent one who gains the coveted position. No ceremony is considered necessary when the Sultan takes a wife. She is considered sufficiently honored by his choice.

In the afternoon the Sultan receives his sons. They are brought into his august presence by their respective "dada's" or tutors, and each boy is made to believe that whatever he wants he must have. Murad Effendi, once when but five years old, declared that he would neither eat nor sleep until they had brought a man-of-war to fire a salute in front of the palace, and they had to send for one, gather a crew, buy and take on board powder, and then get through the bridge and come down in front of the palace to fire the salute and scare Murad nearly to death.

If during the day a new son arrives the news is announced to the Sultan, who, bored though he may be by the constant repetition of the news of new arrivals, must give order that a salute be fired at Tophan first, and then on every fortress in Turkey, seven guns for a girl and twenty-one for a boy. The slave who first reach the Sultan with the news receives a handsome present, and then the monthly nurse, who is a power in a Turkish palace, as well as a poor American, who brings the new-born baby for the sultan to look at. She also receives a valuable gift. The event means much to the mother, for it often lifts her from slavery to the position of legitimate wifehood. The sultan shows little affection outwardly, at least, for his children, girls or boys, but they are taught to respect him as a superior being.

The Sultan has over 6,000 souls attached in some manner or capacity to his palace and his person, besides, aside from the soldiers, and the amount of money the Sultan orders spent daily would bankrupt England in a month, only as he is not very good at calculating, and his chief eunuch, chamberlain, and treasurer are, they put their heads together and cut down everybody's expenses but their own, and of late years an effort has been really made toward economy, though still volumes might be told of how money is lavished for each wife must have her own separate establishment and each as good as the other, and each new child its separate nurse and tutor and all the caprices of the sultan and his imperial family must be humored.

Moonsine Whisky.

St. Paul Pioneer Press: The product of the moonshine stills does not get out of the mountain country very much, most of it being consumed by the farmers of that section, who prefer it to any "manuf" article which they regard as poisonous. The fact is, moonshine whisky is the finest liquor made in this country. It is perfectly free from the chemical adulterations that are put upon the market systematically by

wholesale, and is, one might almost say—certainly might say so here—a harmless drink. It goes from the still mainly in jugs. The moonshiner keeps his store of whisky in the blue barrels, hid away in the woods; but it does not take long to fill a jug when a customer comes around. Quite a large portion of it is distributed through the "blind tiger," which is a cabin or house where the man who wants your whisky stops to make a sociable call on the folks about the fringed. After satisfying them that they can trust him, he is then for a drink of whisky. He is then led into a vacant room or passage way, and there at one end finds a small opening in the wall large enough to admit a good sized tumbler of whisky. In front of this hole is a small shelf. The visitor puts down a piece of money. In a moment a hand appears in closing a well filled tumbler of pure corn whisky, which slowly and silently glides forward on the shelf. The hand and money disappear and the whisky is yours.

Unsuspected disorders of the kidneys are responsible for many of the ordinary ailments of humanity which neglected, develop into a serious and fatal malady. Experience would suggest the use of Dr. J. H. McLean's Liver and Kidney Balm.

The late King Oude ruled with absolute sway the 7,000 retainers within the domain of his palace, and he held among them an elaborate court with all the magnificence and pomp the Oriental imagination could devise. He was a clever musician, a graceful dancer and a poet of no mean ability.

A remarkably handsome woman is said to be the moving spirit in a philanthropic movement in Russia to supply the poor of that country with Dr. Bull's Cough Syrup.

In chronic and stubborn cases of neuralgia, gout and rheumatism use Salva-Oil. It is the greatest pain-destroyer of the age. Price only 25c.

In Servia, Bulgaria, and Rumania boots made of bullock's hide or leather, and which are simply a flat piece of leather drawn over the feet, all round and fastened by leather thongs or birch bark crossed over the leg, which is increased in either stockings or a piece of red cloth, are worn by the peasantry.

Advertisement for Dr. Price's Cream Baking Powder, featuring a can illustration and text: "FULL WEIGHT PURE DR. PRICE'S CREAM BAKING POWDER MOST PERFECT MADE".

Its superior excellence proven in millions of homes for more than a quarter of a century. It is used by the United States Government, England, as well as a poor American, who brings the new-born baby for the sultan to look at. She also receives a valuable gift. The event means much to the mother, for it often lifts her from slavery to the position of legitimate wifehood. The sultan shows little affection outwardly, at least, for his children, girls or boys, but they are taught to respect him as a superior being.

PRICE BAKING POWDER CO. New York Chicago St. Louis

A.S.L. CAPITAL PRIZE, \$150,000. Advertisement for Louisiana State Lottery Company.

We do hereby certify that we supervise the arrangements for all the monthly and semi-annual drawings of the Louisiana State Lottery Company, and in person make and count the drawings, and certify that the same are conducted with honesty and integrity, and that the prizes are paid in full to the winners. J. H. O'LEARY, Pres. Louisiana National Bank.

UNPRECEDENTED ATTRACTION. OVER HALF A MILLION DISTRIBUTED. Louisiana State Lottery Company. Incorporated in 1838, for 25 years, by the Legislature for educational and charitable purposes...

Capital Prize, \$150,000. Notice—Tickets are Ten Dollars, Only. Half \$5; Fifths, \$2; Tenth, \$1. LIST OF PRIZES: 1 CAPITAL PRIZE OF \$150,000; 1 GRAND PRIZE OF \$20,000; 10 APPROXIMATION PRIZES OF \$10,000; 100 APPROXIMATION PRIZES OF \$5,000; 1,000 APPROXIMATION PRIZES OF \$1,000; 10,000 APPROXIMATION PRIZES OF \$500; 100,000 APPROXIMATION PRIZES OF \$100; 1,000,000 APPROXIMATION PRIZES OF \$50.

REMEMBER That the presence of Gen. Early who is in charge of the "Iron Guard" and a lot of absolute fairness and integrity, that the chances are all equal, and that no one can possibly give what number will draw a PRIZE. REMEMBER that the payment of all prizes is GUARANTEED BY THE NATIONAL BANKS OF NEW YORK AND THE TRUST COMPANY OF GEORGETOWN, and that the tickets are signed by the president of an institution whose charters rights are recognized by the highest courts, therefore, beware of any imitations or anonymous schemes. Mention this paper.

THE CAPITOL HOTEL LINCOLN, NEB. The best known and most popular Hotel in the state. Location central, appointments first-class. Headquarters for commercial men and all political and public gatherings. E. P. BOGGEN Proprietor.

FOR PLANTING TIMBER CLAIMS. Black Walnut, hulls off, 50c per bu; Box elder seed, 10c per bu; Ash seed, 10c per bu; Honey Locust seed, 10c per bu; Russian Mulberry seed, 10c per bu; Catalpa seed, 10c per bu. Also all kinds of Fruit and Forest Trees for sale. Address, Shenandoah Nursery, D. S. LAKE, Proprietor, SHENANDOAH, VA.

FOR MEN WOMEN CHILDREN. MIALOVITCH'S HUNGARIAN BLACKBERRY JUICE. Advertisement for a health tonic.

Imported and bottled by Mialovitch, Fitch & Co., Cincinnati, O. For sale by the following dealers: Richardson Drug Co., Hialeah, Fla.; H. & Co., Adler & Heller, M. Wollstein, Gladstone, N.J.; Frank DeLone, H. R. Grotte, Sample Bottles Free.

J. B. HAYNES, STENOGRAPHER, Third Judicial District, CHAMBER OF COMMERCE.

BUY THE FAMOUS Waterbury WILL NEVER BREAK. Advertisement for a watch brand.

FOR SALE EVERYWHERE. Ask your retailer for the JAMES MEANS \$4 SHOE or the JAMES MEANS \$3 SHOE, according to your needs.

CAUTION! Positively none genuine unless our name and price appear plainly on the sole. Some cheap shoes are placed on the market in which the name of JAMES MEANS is used, but the quality is not like a shoeing and REPAIRING. NO BREAK. JAMES MEANS' \$4 SHOE. Buy the first time it is worn. It will last you many months. The land alone which has been introduced here has been introduced here.

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Of the Missouri State Museum of Anatomy, St. Louis, Mo., University College Hospital, London, Glesien, Germany and New York. Having devoted their attention SPECIALLY TO THE TREATMENT OF Nervous, Chronic and Blood DISEASES.

More especially those arising from impurities, invite also suffering to correspond without delay. Diseases of infection and contagious cured safely and speedily without use of dangerous drugs. Patients whose cases have been neglected, badly treated or pronounced incurable, should not fail to write us concerning their symptoms. All letters receive immediate attention.

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